

## **REMARKS/ARGUMENTS**

### **1.) Claim Amendments**

The Applicant has amended claims 1 and 8. Claims 15 and 16 have been added. Accordingly, claims 1-16 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **2.) Claim Rejections – 35 U.S.C. § 103(a)**

In the Advisory Action dated May 12, 2009, the Examiner repeated his rejection of claims 1-14 under 35 U.S.C. § 103(a) as being unpatentable over Riddle (US 6,175,856) in view of Garakani, et al. (US 6,587,087). The Applicant has amended the claims to better distinguish the claimed invention from Riddle and Garakani. The Examiner's consideration of the amended claims is respectfully requested.

It seems that the Examiner is still broadly interpreting claim language such as "funnel network element" to include anything that would influence the codec selection process. Additionally, although the Applicant pointed out the Examiner's mistake, he is still equating the claimed "funnel network element" with Riddle's codec ranking or the codec itself. Riddle ranks the available codecs and then selects the highest ranked codec that is acceptable to all parties.

Garakani discloses an address detection message, which has absolutely nothing to do with a codec selection process. Thus, the combination of Riddle and Garakani does not disclose or suggest anything about selecting a codec depending on whether an intervening node, which imposes bandwidth limitations, is included in the path.

The Applicant has amended independent claims 1 and 8 to recite that the funnel network element is selected from a group consisting of a remote access server (RAS), a router, and a bridge. Thus, the Examiner's interpretation that the funnel network element equates to Riddle's codec ranking or the codec itself is precluded. Riddle does not teach or suggest selecting a codec depending upon whether an answer to an address detection message includes the address of a RAS, a router, or a bridge.

Support for the amendment can be found in the originally filed specification on page 22, lines 11-26; page 26, lines 16-19; and page 29, lines 16-22.

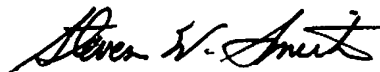
The Applicant has added dependent claims 15 and 16 to recite more detail of the process of receiving the answer to the address detection message, determining whether the answer includes the address of the funnel network element, and selecting a codec based upon bandwidth limitations imposed by the funnel network element if the address of the funnel network element is included in the answer.

### 3.) Conclusion

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-16.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would expedite the prosecution of the Application.

Respectfully submitted,



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